

Message Text

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ACTION OES-07

INFO OCT-01 ARA-10 ISO-00 FEA-01 ACDA-12 AGRE-00
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-----109674 251957Z /43

R 251845Z NOV 77
FM AMEMBASSY SANTO DOMINGO
TO SECSTATE WASHDC 2784

LIMITED OFFICIAL USE SECTION 1 OF 2 SANTO DOMINGO 7022

PASS TO LARRY SNEAD, OES AND DAVE COLSON D/LOS

E.O. 11652: N/A
TAGS: EFIS, DR
SUBJECT: DOMINICAN DRAFT FISHERIES AGREEMENT

ON NOV 18, DOMINICAN UNDERSECRETARY FOR FOREIGN RELATIONS MARTE DE BARRIOS GAVE EMBASSY "UNOFFICIAL" GODR REVISION OF US DRAFT FISHERIES AGREEMENT SUBMITTED DURING TALKS HERE NOV 1. FOLLOWING IS INFORMAL EMBASSY TRANSLATION OF DRAFT:

QUOTE: AGREEMENT ON FISHERIES BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE DOMINICAN REPUBLIC

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE DOMINICAN REPUBLIC;

IN ORDER TO MAINTAIN THE LONG-STANDING FISHERY RELATIONS THAT HAVE FORMED PART OF THE CLOSE TIES BETWEEN THE PEOPLE OF THE UNITED STATES AND THE PEOPLE OF THE DOMINICAN REPUBLIC;

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TAKING NOTE OF PUBLIC LAW 94-265 OF THE UNITED STATES;

TAKING NOTE OF LAW NO. 573 OF THE DOMINICAN REPUBLIC DATED APRIL 1, 1977;

WISHING TO INSURE THE EFFECTIVE PRESERVATION OF FISH SUPPLIES IN WATERS SUBJECT TO THE DOMINICAN REPUBLIC'S EXCLUSIVE FISHERY

JURISDICTION;

WISHING TO GUARANTEE A CONTINUATION OF ARTISANAL FISHING (PESCA DE ARTESANIA) AND RECREATIONAL FISHING IN THOSE WATERS; AND

WHEREAS BOTH GOVERNMENT HAVE REACHED AN AGREEMENT ON MARITIME LIMITS BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINICAN REPUBLIC, AS PER EXCHANGE OF NOTES OF THIS DATE;

HAVE AGREED TO THE FOLLOWING

ARTICLE I

ARTISANAL FISHING AND RECREATIONAL FISHING BY VESSELS OF THE DOMINICAN REPUBLIC MAY BE CARRIED ON IN WATERS SUBJECT TO THE FISHERY JURISDICTION OF THE UNITED STATES. THE GOVERNMENT OF THE UNITED STATES GRANTS ACCESS TO THESE WATERS TO VESSELS OF THE DOMINICAN REPUBLIC FOR SUCH FISHING.

ARTICLE II

ARTISANAL FISHING AND RECREATIONAL FISHING BY UNITED STATES VESSELS MAY BE CARRIED ON IN WATERS SUBJECT TO THE FISHERY JURISDICTION OF THE DOMINICAN REPUBLIC. THE GOVERNMENT OF THE DOMINICAN REPUBLIC GRANTS ACCESS TO THESE WATERS TO VESSELS OF THE UNITED STATES FOR SUCH FISHING.
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ARTICLE III

FISHING UNDERTAKEN IN ACCORDANCE WITH THE AUTHORIZATION GRANTED IN ARTICLES I AND II ABOVE IS SUBJECT TO THE FOLLOWING DEFINITIONS AND CONDITIONS:

A) ARTISANAL FISHING, FOR THE PURPOSES OF THIS AGREEMENT, IS TAKEN TO MEAN FISHING THAT IS DONE FOR HOME CONSUMPTION OR THE SALE OF WHICH IS EFFECTED FOR THE SOLE PURPOSE OF PROVIDING FOR FAMILY NEEDS, WITHOUT BECOMING LARGE-SCALE FISHING.

THIS FISHING SHALL BE DONE BY VESSELS NOT OVER 55 FEET IN LENGTH, USING MANUAL, ELECTRIC AND HYDRAULIC REELS.

B) RECREATIONAL FISHING IS TAKEN TO MEAN ANY FISHING DONE FOR PLEASURE OR SPORT, WITHOUT ANY REMUNERATION AND FOR NON-PROFIT PURPOSES, AND NO RIGHT IS GRANTED HEREUNDER TO SELL OR EXCHANGE ANY FISH CAUGHT, WHICH SHALL BE USED FOR PRIVATE CONSUMPTION OR DONATED FOR CHARITABLE PURPOSES. THIS FISHING MAY BE DONE ON THE SURFACE OR UNDERWATER.

C) THE "CITIZENS OF A STATE" ARE PERSONS BORN IN THAT STATE'S TERRITORY OR WHO HAVE ACQUIRED THAT CITIZENSHIP BY LAW.

D) NATIONAL VESSELS, AS FAR AS THE UNITED STATES OF AMERICA IS CONCERNED, ARE VESSELS OWNED BY AMERICAN CITIZENS RESIDING IN PUERTO RICO, OR AMERICAN CITIZENS BORN IN PUERTO RICO, OR AMERICAN VESSELS REGISTERED IN THE TERRITORY OF THE COMMONWEALTH OF PUERTO RICO.

AS REGARDS THE DOMINICAN REPUBLIC, A NATIONAL VESSEL WILL BE UNDERSTOOD TO INCLUDE VESSELS REGISTERED IN THE DOMINICAN REPUBLIC AND OWNED BY DOMINICAN CITIZENS.

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PASS TO LARRY SNEAD, OES AND DAVE COLSON D/LOS

ARTICLE IV

BOTH GOVERNMENTS RECOGNIZE THAT THEIR RESPECTIVE LAWS AND REGULATIONS HAVE CREATED SOME AREAS WHICH OVERLAP (SE SOBREPONEN). BOTH GOVERNMENTS INTEND TO SETTLE THIS MATTER BY A MARITIME LIMITS TREATY TO BE NEGOTIATED WITHIN ONE YEAR FOLLOWING THE COMING INTO FORCE OF THIS AGREEMENT. UNTIL THE TREATY COMES INTO FORCE BETWEEN THE TWO GOVERNMENTS, NO GOVERNMENT SHALL TAKE REPRISALS AGAINST THE CITIZENS AND VESSELS OF THE OTHER PARTY FISHING IN SUCH AREAS UNDER THE CONDITIONS PROVIDED FOR IN THIS AGREEMENT.

AMERICAN CITIZENS, ACCORDING TO THE ABOVE DEFINITION, FISHING IN DOMINICAN JURISDICTIONAL WATERS, SHALL COMPLY WITH THE REGULATIONS

ON THE SUBJECT CONTAINED IN LAW NO. 5914, OF MAY 22, 1962.

LIKEWISE, THE DOMINICAN CITIZENS MENTIONED ABOVE SHALL COMPLY WITH THE CORRESPONDING LEGAL REGULATIONS IN FORCE IN THE UNITED STATES OF AMERICA ON THE SUBJECT.

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ARTICLE V

THE PROVISIONS OF THIS AGREEMENT WILL OBTAIN ONLY FOR FISHING WHICH TAKES PLACE WITHIN THE JURISDICTIONAL WATERS OF BOTH COUNTRIES, EXCLUDING THE WATERS CORRESPONDING TO THE RESPECTIVE TERRITORIAL SEAS, WHICH REMAIN SUBJECT TO THE RESPECTIVE NATIONAL REGIMES.

ARTICLE VI

1. IF THE FISHING LEVELS AND PATTERNS (PATRONES) PROVIDED FOR IN ARTICLE I AND II SHOULD CHANGE SUBSTANTIALLY, THE TWO GOVERNMENTS MAY CONSULT ONE ANOTHER REGARDING APPROPRIATE STEPS TO BE TAKEN TO INSURE THE EFFECTIVE PRESERVATION, ADMINISTRATION, UTILIZATION AND PERFORMANCE OF THE DOMESTIC CATCH CAPACITY (CAPACIDAD DE RECOLECCION DOMESTICA).

2. THE TWO GOVERNMENTS SHALL ALSO CONSULT ON THE IMPLEMENTATION OF THIS AGREEMENT, INCLUDING APPROPRIATE NOTICE IN ADVANCE OF DOMESTIC FISHERY REGULATIONS APPLICABLE TO FISHERMEN OF THE OTHER PARTY.

ARTICLE VII

NOTHING CONTAINED IN THIS AGREEMENT SHALL AFFECT OR PREJUDICE IN ANY WAY THE POSITIONS OF EITHER OF THE GOVERNMENTS REGARDING THE EXTENSION OF INLAND WATERS, TERRITORIAL WATERS, THE HIGH SEAS, OR THE SOVEREIGN RIGHTS OR JURISDICTION FOR ANY PURPOSE OTHER THAN FISHING.

ARTICLE VIII

THIS AGREEMENT WILL COME INTO FORCE AFTER AN EXCHANGE OF NOTES AND LIMITED OFFICIAL USE

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ON COMPLETION OF INTERNAL PROCEDURES BY BOTH PARTIES. IT SHALL REMAIN IN FORCE UNTIL DECEMBER 1, 1982. UNQUOTE.
HURWITCH

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Message Attributes

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TAGS: EFIS, DR
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